

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 19, 2014
7:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Franco, Fogle, Schrader, and Genewick.

RECESS

Recess for public input.

031914.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of March 5, 2014 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

3/13/14 Darcee Rae Hughes, Lockport Family YMCA, 19 East Avenue, Lockport, NY – requesting permission to conduct a “Fitness in the Parks” program sponsored by Independent Health and the Buffalo Niagara YMCA.
Referred to the Committee of the Whole

Notice of Defect:

2/27/14	N Transit Street (between railroad tracks & Monroe St) - potholes
2/27/14	Main Street - potholes
2/28/14	Transit Road - potholes
3/3/14	Beattie Avenue (between Lincoln Ave & Willow St) - potholes
3/3/14	Summit Street (near intersection of Transit Rd) - potholes
3/4/14	Walnut Street (between Autumnvale Dr. & Davison Rd.) – potholes
3/4/14	415 Washburn Street, Lockport, NY – pothole
3/5/14	Saxton Street (between W Main Street & St Mary’s Church) – damaged curbing

3/6/14 Price Street (between John & Cottage Streets) – potholes
3/6/14 31 Carlton Place, Lockport, NY – pothole
3/10/14 Main Street - potholes
3/10/14 135 Grant Street, Lockport, NY – trees
3/12/14 125 Irving Street, Lockport, NY – tree
3/13/14 S Transit Rd (near Lincoln Ave, northbound lane) – potholes
3/14/14 Davison & Transit Rds; Walnut, Vine, Main, & Locust Sts, Lincoln Ave – potholes
3/17/14 Transit Rd (from railroad tracks to Main St) - potholes
Referred to the Director of Engineering.

Notice of Claim:

2/27/14 Christopher J. Duquin, 4184 Seneca Street, Suite 103, W Seneca, NY
2/28/14 Lucia C. Wronski, 5626 Keck Road, Lockport, NY
3/3/14 Michael J. Pachetti, 269 Beattie Avenue, Apt. 1, Lockport, NY
3/3/14 Kelly Wilson, 1 McCue Avenue, Lockport, NY
3/4/14 Geraldine Fogle, 55 Rochester Street, Lockport, NY
3/4/14 LoriJo Watson, 325 Chestnut Street, Lockport, NY
3/6/14 Sherry Lewis, 27 Carlton Place, Apt. 1, Lockport, NY
3/10/14 Tiffany Cummings, 158 Ontario Street, Lockport, NY
3/12/14 Paul Zapp & Margaret Wysochanski, 125 Irving Street, Lockport, NY
3/13/14 Jared B. Nicholson, 252 Continental Drive, Lockport, NY
3/14/14 Mr & Mrs. Hall, 168 Vine Street, Lockport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

031914.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on March 21, 2014.

Seconded by Alderman Fogle and adopted. Ayes 6.

031914.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Schrader and adopted. Ayes 6.

031914.4

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Joseph B. Lyons, a retired City of Lockport Fire Department employee who recently passed away.

Seconded by Alderman Genewick and adopted. Ayes 6.

031914.5

By Alderman Lombardi:

Resolved, that pursuant to their request, the Lockport Family YMCA, is hereby granted permission to conduct "Fitness in the Parks" at Nelson C Goehle Marina Park on Mondays and Wednesdays for a period of ten weeks beginning Monday, June 23, 2014 subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

By Alderman Genewick:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman Lombardi and adopted. Ayes 6.

031914.5A

By Alderman Schrader:

Resolved, that the Farmers' Market is hereby established for the 2014 season and the following rules and regulations are hereby adopted:

**CITY OF LOCKPORT FARMERS MARKET
RULES AND REGULATIONS**

1. Location/Dates/Hours

The 2014 Farmers Market season will be from April 1, 2014 through November 30, 2014 in the South Lot on Walnut Street, west of Pine Street (City parking lot #5), from 9:00 a.m. to 9:00 p.m. daily.

2. Fees

Farmers shall obtain a Farmer's Market permit at a cost of \$35.00 for the season. Upon approval of application and crop plan by the Market Manager, the City Clerk shall issue a permit and collect fees.

3. Number of Spaces Occupied by Individual

The sale of spaces shall be limited to two per individual/family with the provision that individuals/families be prohibited from occupying more than two spaces. Sub-letting or loaning of a market space is prohibited.

4. Produce/Merchandise Offered for Sale

Permits shall be issued for the sale of edible items, horticultural products, and homemade baked goods. Alcoholic beverages or products containing alcohol are strictly forbidden.

Selling of produce and/or merchandise will only be conducted during market hours.

5. Eligibility of Farmers

- A. Farmers must be bona fide New York State farmers who individually grow and harvest fresh fruits and vegetables and market them directly to consumers.
- B. Farmers participating in the market must grow 50% or more of the fruits and vegetables they offer for sale on any market day.
- C. Farmers must be willing to participate in the Farmers Market Nutrition Program.
- D. Participating farmers must be bona fide producers of fresh fruit and vegetables and must submit a crop plan (on required form) listing items to be grown for sale at the market, acreage or row feet of production, and months of availability.
- E. Farmers must be able to supply a sufficient volume and variety of high quality, locally grown fresh fruits and vegetables to meet the needs of WIC participants in the community.

6. Compliance with Laws/Display of Permits/Parking Lot Clean-up

Vendors/farmers are responsible for complying with state and local laws and regulations regarding the sale of fresh and processed food and agricultural products, including sanitary packaging, labeling, weights and measures, and sales tax regulations. Vendors/farmers also must display, at all times, their NYS Tax ID number for taxable items and Health Department Permits for foods requiring same and the City of Lockport Market Permit.

Each vendor/farmer is responsible each day for the clean up of their space.

There shall be no overnight storage of vehicles or products.

7. Display of Products

Products will be displayed in a way that will only encompass the participant's space and will not endanger the public or obstruct the area where customers will walk. Farmers may, at their own expense, erect a removable shelter.

8. Conduct of Participants/Revocation of Permit

All vendors/farmers are expected to conduct themselves in an orderly manner. Any conflicts, including harassment, name-calling, profane language, or fighting will result in revocation of the Farmer's Market Permit.

9. Advertising Prohibited

No spaces may be used for the promotion of political candidates or for the sole purpose of distribution of literature or to solicit signatures or addresses for home appointments of any kind. No farmer shall erect any signage.

10. Market Manager

The designated market manager is the City Clerk.

11. Permit Application/Crop Plan

Each vendor/farmer agrees to abide by these Rules and Regulations and complete the application and crop plan on required forms available at the Clerk's Office.

12. Breach of Regulations

Any breach of these regulations may result in dismissal from the market.

The City Clerk, subject to Corporation Counsel approval, is authorized to execute an agreement with the New York State Department of Agriculture & Markets to administer the Farmers' Market Nutrition Program.

The City Clerk is authorized and directed to develop any necessary guidelines he feels appropriate.

and, be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for installing signage denoting the Farmers' Market.

Seconded by Alderman Franco and adopted. Ayes 6.

031914.5B

By Alderman Kibler:

WHEREAS, Pursuant to Chapter 166 of the City Code and Section 20-6 of the General City Law of the State of New York, the City of Lockport imposed a utility tax of 1% of the gross income of utilities doing business in the City of Lockport that are subject to the supervision of the State Department of Public Service, and have gross income for the 12 months ending May 31 in excess of \$500.00, and

WHEREAS, the New York State Conference of Mayors partnered with Computel Consultants to create a no-risk "Utility Savings Audits" for cities and

WHEREAS, the utility billing analysis identifies, corrects and secures refunds for overcharges to the City for telecommunications, electric and natural gas bills, and underpayments by utility companies on underpayments of gross receipts tax revenues due the City, and

WHEREAS, Computel Consultants is a New York company whose staff has over 40 years of combined experience in securing maximum refunds for cities, and

WHEREAS, there are no upfront costs for this service and if a refund is not secured for the municipality, there is no charge and

WHEREAS, when a refund is secured, the City pays Computel a one-time fee – at a reduced rate for NYCOM members – but only after the City actually receives the refund, and

WHEREAS, the City will then retain the entire amount of all future savings received as a result of ongoing billing corrections resulting from the Utility Savings Audit, and

WHEREAS, nearly 80 NYCOM members have already signed up for this program

WHEREAS, it is in the City's best interest to conduct such audits to ensure the City is receiving what it is entitled to receive in Utility Tax.

NOW THEREFORE, BE IT

RESOLVED, that the Mayor be and is hereby authorized to enter into an agreement and such other documents to effect the audit, subject to the approval of Corporation Counsel, on behalf of the City with Computel Consultants of Earlville, New York to perform an audit at a one-time fee not to exceed 40% of any monies recovered.

Seconded by Alderman Fogle and adopted. Ayes 6.

031914.5C

By Alderman Fogle:

Resolved, that Taren Lagamba be and the same is hereby authorized to submit an application on behalf of the City of Lockport to the 2014 William G. Mayne, Jr. Business/Community Enhancement Program for a grant to be used for John Henry Park.

Seconded by Alderman Genewick and adopted. Ayes 6.

031914.5D

By Alderman Kibler:

WHEREAS, the City of Lockport owns a vacant lot at 352 Gooding Street, Lockport, New York, and

WHEREAS, the Mayor and Real Property Management Committee received a letter from All Saints Roman Catholic Parish, Lockport, New York to purchase said property for cemetery purposes, and

WHEREAS, the Real Property Management Committee and Assessor's Office recommended a fair market value sales price of \$500.00, and

WHEREAS, All Saints Roman Catholic Parish has agreed to pay \$500.00 and all cost associated with the transfer of said parcel from the City to the Parish.

NOW THEREFORE BE IT

RESOLVED, that the 352 Gooding Street, Lockport, New York is hereby deemed excess property no longer needed for public purpose, and be it further

RESOLVED, that pursuant to Section C-61 of the City Charter the Mayor be and is hereby authorized to sell 352 Gooding Street, Lockport, New York to All Saints Roman Catholic Parish for the sum of \$500.00 and to enter into a Contract of Sale, execute a quit claim deed and related title documents to effectuate the same.

Seconded by Alderman Lombardi and adopted. Ayes 6.

031914.6

ADJOURNMENT

At 7:18 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, April 2, 2014.

Seconded by Alderman Franco and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk